

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 138, SECTION 138-20 AND
APPENDIX B OF THE CODE OF ORDINANCES TO AUTHORIZE THE
IMPOSITION OF CERTAIN FEES FOR ENCROACHMENTS IN THE
RIGHT-OF-WAY, TO MODIFY CERTAIN PROVISIONS; AND FOR
OTHER PURPOSES**

WHEREAS, the City of Atlanta is experiencing revitalization and a significant increase in development projects associated with a recent economic upturn; and

WHEREAS, in support of certain development projects, the Department of Public Works has received an increased number of requests for the issuance of encroachments and easements into the city's right-of-way; and

WHEREAS, the current Chapter 138-20 of the Code of Ordinances requires applicants performing certain activities in the right-of-way to obtain prior approval from the Department of Public Works; and

WHEREAS, the issuance of encroachments and easement agreements requires application, engineering and legal review and drafting of agreements involving the staff of various departments; and

WHEREAS, the current fee associated with the issuance encroachments and easements is \$10.00 and does not reflect the actual costs incurred by the City of Atlanta engineering, legal and administrative staff to review plans and engineering calculations, prepare appropriate agreements and perform associated administrative tasks; and

WHEREAS, the current Chapter 138-20 requires updating to restate and clarify the City's intent to charge fees which are directly related to the costs incurred by the City of Atlanta, allowing the City to recoup such costs; and

WHEREAS, the current Chapter 138-20 also requires updating to remove references to cutting of trees and shrubs in the right-of-way, activities that are more adequately addressed by other portions of the Code, specifically, Section 158-26 et seq., otherwise known as "the Tree Ordinance."

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
GEORGIA** as follows:

Section 1: That Chapter 138, Section 138-20(a) of the City Code of Atlanta which currently reads as follows:

138-20(a): When performing construction activities, any cutting of trees or shrubs, or the erection of a permanent encroachment, such persons shall provide

concurrent written notice to the abutting land owner and the city. In addition, prior to conducting such activities, all such persons shall obtain prior approval from the department of public works.

is hereby amended by deleting the language in such section and inserting in lieu thereof the following:

When performing construction activities or the erection of a temporary or permanent encroachment, all such persons shall obtain prior approval, including all necessary permits and/or agreements, from the department of public works, and pay a fee for the issuance of said permit or agreement as set forth in Appendix B of this Code. The commissioner of public works shall require the person conducting activities pursuant to the permit and within the right-of-way to provide each abutting property owner or occupant with reasonable and timely notification of any impending construction work that would unreasonably interfere with either egress or ingress onto said owner's or occupant's property.

Section 2: In an effort to recoup the costs associated with the granting of permits, encroachments and easements pursuant to Chapter 138-20(b) of the City Code, application and review fees for said instruments shall be increased as follows:

Vehicle, pedestrian or utility bridges:	\$750.00
Vehicle, pedestrian or utility tunnels:	\$750.00
Pipes, wires, conduits or similar facilities:	\$500.00
Basements, vaults, elevator shafts, stairs, stairwells, ventilation shafts, gratings or similar facilities:	\$750.00
Canopies, ledges, bay windows, balconies, decorative lighting, flagpoles, gargoyles, architectural embellishments, area walks or similar facilities:	\$500.00
Any building, parking garage, structure, or part thereof, including footings, foundations, tie-backs, supports, walls, eaves, or projections:	\$750.00

Section 3: That Appendix B: Fees, shall be revised to reflect the imposition of fees in accordance with Section 2 above.

Section 4: Said fees shall become effective immediately upon the passage of this Ordinance.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Chief of Staff Deadline: August 24, 2007

Anticipated Committee Meeting Date(s): September 25, & October 9, 2007

Anticipated Full Council Date: October 15, 2007

Legislative Counsel's Signature: Terry Grandison

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO AMEND CHAPTER 138, SECTION 138-20 AND APPENDIX B OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA; TO AUTHORIZE THE IMPOSITION OF CERTAIN FEES FOR ENCROACHMENTS IN THE RIGHT-OF-WAY; TO MODIFY CERTAIN PROVISIONS; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 9/11/07 (date) pw Reviewed by: JS (date)

Submitted to Council: 9/14/07 (date)